STATEWIDE POLICE DISCIPLINARY MATRIX

RESOURCE GUIDE

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STATEWIDE POLICE DISCIPLINARY MATRIX

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which **all matters of discipline** will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

GENERAL PROVISIONS

In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer's sustained violation of an agency's policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.

The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.

DEFINITIONS

Aggravating Factors – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:

- The officer's prior disciplinary history
- The officer's prior negative work history, including non-disciplinary corrective action
- The officer's rank
- The violation was committed willfully or for personal gain
- The officer's efforts to conceal the violation, or to be untruthful or dishonest
- The officer's failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department's ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

Note: Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).

Disciplinary Matrix – a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. (Public Safety Article, §3-101, Annotated Code of Maryland).

Formal Written Counseling (FWC) – A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

Letter of Reprimand (LOR) – A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

Loss of Leave (LOL) – Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

Loss of Pay (LOP) – Suspension from duty without pay.

Level (One) – Penalty level for first offense violation.

Level (Two) – Penalty level for second offense of similar conduct.

Level (Three) – Penalty level for third offense or more of similar conduct.

Mediation – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

Mitigating Factors – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

- The officer's actions are attributable to selfless concern for the well-being of others
- The officer's lack of disciplinary history
- The officer's complimentary work history
- The officer's prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

Penalty Days – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.

Police Misconduct – Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

Remedial Training – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

PROCEDURES

Violation Categories – The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

Special Circumstance Categories – Special circumstance categories are specific violations with their own disciplinary ranges.

Factors Influencing Discipline – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.

Multiple Count Adjustments – Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.

Prior Disciplinary Record - Same Category – The Matrix incorporates an officer's prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix. Prior sustained disciplinary action may also be considered as an aggravating factor.

Determining Discipline – In determining discipline, there must first be an <u>agency policy</u> violation or other police misconduct. Once a violation has been identified, first review the violation category definitions, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, demotion and termination (most severe). Demotion may only be considered as a discipline penalty if the misconduct is determined to be a Category D or E violation. Demotion may be the sole penalty or in addition to a penalty within the disciplinary range.

Additional Corrective Measures – Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, and/or remedial training. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.

Violations that Fall into Multiple Violation Categories – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member's actions.

Notes:
- *PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.*
- *Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by the agency, complainant and officer.*

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Note: An agency policy violation or other misconduct must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.

VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	**ONE:** 1st Violation	**Formal Written Counseling**	→	**Letter of Reprimand**
	TWO: 2nd Violation in 24 Months	**Formal Written Counseling**	→	**Up to 1 Day Loss of Leave or Loss of Pay**
	THREE: 3rd Violation in 24 Months	**GO TO CATEGORY B LEVEL 1**		

Policy Violation Examples for Category A
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	**ONE:** 1st Violation	**Letter of Reprimand**	→	**Up to 2 Days Loss of Leave or Loss of Pay**
	TWO: 2nd Violation in 36 Months	**1 Day Loss of Leave or Loss of Pay**	→	**Up to 3 Days Loss of Leave or Loss of Pay**
	THREE: 3rd Violation in 36 Months	**GO TO CATEGORY C LEVEL 1**		

Violation Examples for Category B
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report
Failure to conduct preliminary and follow-up investigation/reporting
Improper use of Internet or other communications equipment
Working secondary employment without approval
Violation of social media policy
Failure to accept a complaint against an officer
Failure to obey traffic laws –minor, while operating an agency vehicle

VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	**ONE:** 1st Violation	**2 Days Loss of Leave or Loss of Pay**	→	**Up to 4 Days Loss of Pay**
	TWO: 2nd Violation in 48 Months	**3 Days Loss of Pay or 3 Days Loss of Leave**	→	**Up to 5 Days Loss of pay**
	THREE: 3rd Violation in 48 Months	**GO TO CATEGORY D LEVEL 1**		

Violation Examples for Category C Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Failure to notify or report to duty assignment – Absent without leave (AWOL)
Failure to notify agency that officer has become subject of a criminal investigation
Failure to properly secure a firearm
Unauthorized/careless use/handling/display of a weapon
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or off duty
Discharging of firearm in violation of policy – no injury
Failure to properly search a prisoner incident to arrest
Improper release/escape of a prisoner (no criminal intent)
Unnecessary force/excessive force resulting in unknown injury or minor injury
Failure to document or investigate a physical use of force
Engaged in secondary employment while on sick leave
Unauthorized vehicle pursuit– no injury
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons

VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	**ONE:** 1st Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→	Up to 15 Days Loss of Pay
	TWO: 2nd Violation in 60 Months	10 Days Loss of Pay	→	Up to 20 Days Loss of Pay
	THREE: 3rd Violation in 60 Months	**GO TO CATEGORY E LEVEL 1**		

Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category D

Violation Examples for Category D Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)
Failure to provide and/or request needed medical assistance (includes individuals not in custody)
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.
Unauthorized vehicle pursuit– with injury
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)
Failure to report an agency collision

VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	**ONE:** 1st Violation	**15 Days Loss of Pay**	→	**25 Days Loss of Pay up to TERMINATION**
	TWO: 2nd Violation in 60 Months	**15 Days Loss of Pay**	→	**30 Days Loss of Pay up to TERMINATION**
	THREE: 3rd Violation in 60 Months	**GO TO CATEGORY F LEVEL 1**		

Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category E

Violation Examples for Category E
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.
Unnecessary force/excessive force resulting in serious injury
Failure to report a use of force
Engaging in acts of retaliation
Discharging of firearm resulting in injury or death, non-criminal intent
Obstructing or hindering a criminal investigation
Obstructing or hindering internal affairs or an administrative investigation
Affiliation with any person or organization known to be involved in criminal activity

VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.	**ONE:** ANY VIOLATION	**TERMINATION**

Violation Examples for Category F
Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.
Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty
Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use
Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen
Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

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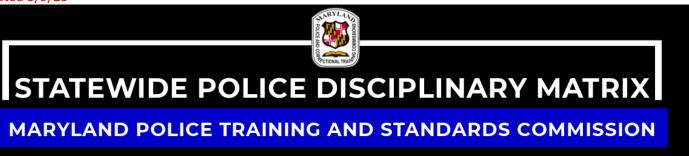
SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
DRIVING UNDER THE INFLUENCE **Category 1: Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.**	**ONE:** 1st Violation	**15 Days Loss of Pay**	→	**TERMINATION***
	TWO: 2nd Violation	**30 Days Loss of Pay**	→	**TERMINATION***
	THREE: 3rd Violation	**TERMINATION***		
Category 1a: Any <u>on-duty</u> or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	**ONE:** 1st Violation	**TERMINATION***		

***Unless prohibited by Executive Order or Government Policy**

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
FAILURE TO APPEAR FOR COURT/MVA HEARINGS **Category 2: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.** *Resets 1 calendar year from the date of the first violation.	**ONE:** 2 violations in 1 year	**Formal Written Counseling**	→	**Formal Written Counseling**
	TWO: 2 additional violations in 2 years	**Formal Written Counseling**	→	**Up to 2 Days Loss of Leave or Loss of Pay**

DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors		
DEPARTMENTAL COLLISIONS **Category 1: Minor Damage[1] to Police Vehicle and/or Other Property or Vehicle** [1]Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). [2]Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	**ONE:** 1st Violation up to 12 months	**Formal Written Counseling**	→	**Letter of Reprimand**
	TWO: 2nd Violation within 0-24 months	**Formal Written Counseling**	→	**Up to 2 Days Loss of Leave or Loss of Pay**
	THREE[2]: 3rd or more Violation within 0-36 months	**Letter of Reprimand**	→	**Up to 5 Days Loss of Leave or Loss of Pay**
Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle [1]Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). [2]Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	**ONE:** 1st Violation up to 12 months	**Formal Written Counseling**	→	**Up to 1 Day Loss of Leave or Loss of Pay**
	TWO: 2nd Violation within 0-24 months	**Letter of Reprimand**	→	**Up to 3 Days Loss of Leave or Loss of Pay**
	THREE[2]: 3rd or more Violation within 0-36 months	**Letter of Reprimand**	→	**Up to 10 Days Loss of Leave or Loss of Pay**
Category 3: Injury to Law Enforcement Personnel and/or Civilian If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.	**ONE:** 1st Violation up to 12 months	**Formal Written Counseling**	→	**Up to 2 Days Loss of Leave or Loss of Pay**
	TWO: 2nd Violation within 0-24 months	**Letter of Reprimand**	→	**Up to 5 Days Loss of Leave or Loss of Pay**
	THREE[2]: 3rd or more Violation within 0-36 months	**Letter of Reprimand**	→	**Up to 14 Days Loss of Leave or Loss of Pay**

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VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures. However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

ABUSE OF POSITION: Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS

CONDUCT UNBECOMING: Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)

DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW

DUTY TO INTERVENE/FAILURE TO DEESCALATE

FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES

INSUBORDINATION: Willful failure of an officer to obey a supervisor's lawful orders.

VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW

WORKPLACE VIOLENCE: Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.